

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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PAMELA MAHONEY;  
MICHAEL MAHONEY;  
LISA SOLOMON; and  
MITCH SOLOMON,

Plaintiffs,

-vs-

U.S. DEPARTMENT OF THE  
INTERIOR; BUREAU OF OCEAN  
ENERGY MANAGEMENT; U.S.  
DEPARTMENT OF THE ARMY; and  
U.S. ARMY CORPS OF ENGINEERS,

Defendants,

and

SOUTH FORK WIND, LLC,

Defendant-Intervenor.  
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**JOINT PROPOSED DISCOVERY**  
**SCHEDULING ORDER**

Case No. 2:22-cv-01305-FB-ST

<b>Phase I (Pre-Settlement Discovery)</b>	
<b>Deadline for completion of Rule 26(a) initial disclosures and HIPAA - compliant records authorizations:</b>	Exempt – Action For Review on an Administrative Record
<b>Deadline for Production of Administrative Record</b>	<p>Plaintiffs' position: August 23, 2022 (60 days from Initial Conference)</p> <p>Defendants' position: September 23, 2022</p>
<b>Completion date for Phase I Discovery as agreed upon by the parties:</b> <i>(Reciprocal and agreed upon document production and other discovery necessary for a reasoned consideration of settlement. Presumptively 60 days after Initial Conference.)</i>	<p>Plaintiffs' position: August 23, 2022 (60 days from Initial Conference) (Presumption)</p> <p>Defendants' position is that this action is an administrative record case exempt from discovery.</p>
<b>Date for initial settlement conference:</b> <i>(Parties should propose a date approximately 10-15 days after the completion of Phase I Discovery, subject to the Court's availability)</i>	<p>Plaintiffs' position: September 2, 2022</p> <p>Defendants' position: 30 days after filing administrative record</p>
<b>Phase II (Discovery and Motion Practice)</b>	
<b>Motion to join new parties or amend the pleadings:</b> <i>(Presumptively 15 days post initial settlement conference)</i>	<p>Plaintiffs' position: September 18, 2022 (Presumption)</p> <p>Defendants' position: August 31, 2022</p>

<p><b>First requests for production of documents and for interrogatories due by:</b>  <i>(Presumptively 15 days post joining/amending)</i></p>	<p>Plaintiffs' position: October 3, 2022 (Presumption)</p> <p>Defendants' position is that this action is an administrative record case exempt from discovery.</p>
<p><b>All fact discovery completed by:</b> <i>(Presumptively 3.5 months post first requests for documents/interrogatories)</i></p>	<p>Plaintiffs' position: January 18, 2023 (Presumption)</p> <p>Defendants' position is that this action is an administrative record case exempt from discovery.</p>
<p><b>Exchange of expert reports completed by:</b>  <i>(Presumptively 30 days post fact discovery)</i></p>	<p>Plaintiffs' position: February 17, 2023 (Presumption)</p> <p>Defendants' position is that this action is an administrative record case exempt from discovery.</p>
<p><b>Expert depositions completed by:</b>  <i>(Presumptively 30 days post expert reports)</i></p>	<p>Plaintiffs' position: March 20, 2023 (Presumption)</p> <p>Defendants' position is that this action is an administrative record case exempt from discovery.</p>

<b>COMPLETION OF ALL DISCOVERY BY:</b> <i>(Presumptively 9 months after Initial Conference)</i>	Plaintiffs' position: <b>MARCH 23, 2023</b> (Presumption)  Defendants' position is that this action is an administrative record case exempt from discovery.
<b>Final date to take first step in dispositive motion practice:</b> <i>(Parties are directed to consult the District Judge's Individual Rules regarding such motion practice. Presumptively 30 days post completion of all discovery)</i>	December 9, 2022 (Agreed)
<b>Do the parties wish to be referred to the EDNY's mediation program pursuant to Local Rule 83.8?</b>	No